

1 John W. Carpenter, Esq. (Bar No. 221708)
2 Technology Licensing Company Inc.
3 33 ½ Los Pinos
4 Nicasio, CA 94946
5 Telephone: (415) 577-0698
6 Facsimile: (866) 410-6248
7 Email: john@jwcarpenterlaw.com

8 *Attorney for Plaintiff*
9 *Technology Licensing Company Inc.*

E-filing

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

RS

CV 08

3802

16 Technology Licensing Company, Inc.,

17 Plaintiff

19 v.

20 jWIN Electronics Corp.

22 Defendant

Case No.:

COMPLAINT FOR PATENT
INFRINGEMENT, INDUCING PATENT
INFRINGEMENT, AND CONTRIBUTORY
PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

28 Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. jWIN Electronics Corp.

1 **COMPLAINT FOR PATENT INFRINGEMENT INDUCING PATENT INFRINGEMENT,**
2 **AND CONTRIBUTORY PATENT INFRINGEMENT**
3

4 Plaintiff, Technology Licensing Company Inc., complains of and for causes of action
5 against Defendant, jWIN Electronics Corp., alleges as follows:
6

7
8 Nature of the Case

9 1. This is an action arising under the Patent Laws and Statutes of the United States in
10 which Plaintiff seeks to recover for patent infringement, and for inducing patent infringement, and
11 for contributory infringement, and for any and all damages and costs flowing therefrom.
12

13
14 Jurisdiction and Venue

15 2. The Court has exclusive jurisdiction of the patent infringement claim, the inducement
16 of patent infringement claim, and the contributory infringement claim, all asserted in this case
17 pursuant to the Patent Laws and Statutes of the United States (e.g., 35 U.S.C. §§ 271, *et seq.* and §
18 281) including 28 U.S.C. §§ 1331, 1338, 2201-2202. Venue is proper in this district under 28
19 U.S.C § 1391.
20

21
22 The Parties

23 3. Plaintiff, Technology Licensing Company Inc. ("Plaintiff") is a California Corporation
24 with a principal place of business in Nicasio, California.
25

26 4. Defendant, jWIN Electronics Corp. ("Defendant") is a New York Corporation having a
27 principal place of business in Port Washington, New York.
28

Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. jWIN Electronics Corp.

Plaintiff's Patent

5. Plaintiff is the owner of United States No.5,734,862 ("the Patent") which was duly issued on March 31, 1998. The Patent concerns *inter alia* embodiments for a system and method for making and/or viewing DVDs.

COUNT I

(Patent Infringement)

6. This COUNT is instituted against Defendant for infringement (i.e., direct infringement) of the Patent.

7. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

8. On information and belief, Defendant is infringing, or has infringed, the Patent in this Judicial District and elsewhere in the United States by manufacturing and/or selling and/or offering for sale and/or importing and/or using embodiments of the invention of the Patent.

9. On information and belief, at least one embodiment of the invention of the Patent which Defendant is infringing, and/or has infringed, operates, at least in part, in accordance with and/or complies, at least in part, with technical standards generally adhered to by the DVD Player Industry.

10. On information and belief, at least one embodiment of the invention of the Patent which Defendant is infringing, or has infringed, operates at least in part in accordance with and/or complies at least in part with "DVD Specifications for read-Only Disc, Part 3 VIDEO

Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. jWIN Electronics Corp.

1 SPECIFICATIONS," Version 1.13, March 2002, published by DVD Format/Logo Licensing
2 Corporation.

3
4 11. Plaintiff has suffered damages by reason of Defendant's infringement of the Patent,
5 and will suffer additional damages unless Defendant is enjoined by the Court from continuing to
6 infringe the Patent.

7
8 12. On information and belief, Defendant's infringement of the Patent has been willful
9 and deliberate, thus warranting an increase of the damages recoverable by Plaintiff under the
10 provisions of 35 U.S.C. § 284, up to three times the amount of actual damages sustained by
11 Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. § 285.
12

13
14 **COUNT II**

15 **(Actively Inducing Patent Infringement)**

16
17 13. This COUNT is instituted against Defendant for actively inducing patent infringement.

18 14. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

19
20 15. On information and belief, Defendant is manufacturing and/or selling and/or using
21 and/or offering for sale and/or importing to persons in this Judicial District and elsewhere in the
22 United States embodiments of the invention of the Patent.

23
24 16. On information and belief, when Defendant makes and sells and/or offers to sell to
25 persons, embodiments of the invention of the Patent in this Judicial District and elsewhere in the
26 United States, the sales are accompanied with documents, written instructions, and/or other
27 instructions, from Defendant on how to operate embodiments of the invention of the Patent.
28

Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. jWIN Electronics Corp.

1 17. On information and belief, when Defendant accompanies its sales and/or offers to sell
2 to persons with documents, written instructions, and/or other instructions, on how to operate
3 embodiments of the invention of the Patent, Defendant was and is aware that such documents,
4 written instructions, and/or other instructions, are inducing the persons to infringe the claims of
5 the Patent. On further information and belief, Defendant thereby has actively induced and/or is
6 actively inducing the persons in this Judicial District and elsewhere in the United States to infringe
7 the claims of the Patent.
8

9
10 18. On information and belief, at least one embodiment of the invention of the Patent
11 which Defendant is actively inducing infringement, and/or has actively induced infringement,
12 operates, at least in part, in accordance with and/or complies, at least in part, with technical
13 standards generally adhered to by the DVD Player Industry.
14

15 19. On information and belief, at least one embodiment of the invention of the Patent
16 which Defendant is actively inducing infringement, and/or has actively induced infringement,
17 operates, at least in part, in accordance with and/or complies at least in part with "DVD
18 Specifications for read-Only Disc, Part 3 VIDEO SPECIFICATIONS," Version 1.13, March
19 2002, published by DVD Format/Logo Licensing Corporation.
20

21 20. Plaintiff has suffered damages by reason of Defendant's active inducement of
22 infringement of the Patent, and will suffer additional damages unless Defendant is enjoined by the
23 Court from continuing to actively induce the infringement of the Patent.
24

25 21. On information and belief, Defendant's active inducement of the infringement of the
26 Patent has been willful and deliberate, thus warranting an increase of the damages recoverable by
27
28

Complaint for Patent Infringement

Case No.: _____

Technology Licensing Co v. jWIN Electronics Corp.

1 Plaintiff under the provisions of 35 U.S.C. § 284, up to three times the amount of actual damages
2 sustained by Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. §
3 285.
4

5
6
7 **COUNT III**
8 **(Contributory Infringement)**

9 22. This COUNT is instituted against Defendant for contributory infringement the Patent.

10 23. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

11 24. On information and belief, the embodiments of the invention made and sold by
12 Defendant to persons in this Judicial District and elsewhere in the United States constitute a
13 material part of embodiments of the invention of the Patent. On further information and belief,
14 Defendant knew and knows that such manufacture and sale of embodiments of the invention were
15 and are especially made or especially adapted for use in infringement of the claims of the Patent,
16 and that the embodiments of the invention were and are not staple articles or commodities of
17 commerce suitable for substantial non-infringing use. Accordingly, on further information and
18 belief Defendant has contributory infringed, and/or is contributory infringing, in this Judicial
19 District and elsewhere in the United States the claims of the Patent.
20

21 25. On information and belief, at least one embodiment of the invention of the Patent
22 which Defendant is contributory infringing, and/or has contributory infringed, operates, at least in
23 part, in accordance with and/or complies, at least in part, with technical standards generally
24 adhered to by the DVD Player Industry.
25
26
27
28

Complaint for Patent Infringement

Case No.: _____

Technology Licensing Co v. jWIN Electronics Corp.

1 26. On information and belief, at least one embodiment of the invention of the Patent
 2 which Defendant is contributory infringing, and/or has contributory infringed, operates, at least in
 3 part, in accordance with and/or complies, at least in part, with "DVD Specifications for read-Only
 4 Disc, Part 3 VIDEO SPECIFICATIONS," Version 1.13, March 2002, published by DVD
 5 Format/Logo Licensing Corporation.
 6

7
 8 27. Plaintiff has suffered damages by reason of Defendant's contributory infringement of
 9 the Patent, and will suffer additional damages unless Defendant is enjoined by the Court from
 10 continuing contributory infringement of the Patent.
 11

12 28. On information and belief, Defendant's contributory infringement of the Patent has
 13 been willful and deliberate, thus warranting an increase of the damages recoverable by Plaintiff
 14 under the provisions of 35 U.S.C. § 284, up to three times the amount of actual damages sustained
 15 by Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. § 285.
 16
 17
 18
 19

20 RELIEF

21 WHEREFOR PLAINTIFF PRAYS:

22
 23 (a) For decree and judgment against Defendant and all in privity with Defendant that the
 24 Patent is valid and enforceable;
 25

26 (b) For decree and judgment against Defendant and all in privity with Defendant, that the
 27 Patent is, and has been, infringed by Defendant and that Defendant is liable as a patent infringer;
 28

Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. jWIN Electronics Corp.

1 (c) For decree and judgment against Defendant and all in privity with Defendant, that the
2 Patent is, and has been, infringed by active inducement of infringement by Defendant and that
3 Defendant is liable as an active inducer of infringement;
4

5 (d) For decree and judgment against Defendant and all in privity with Defendant, that the
6 Patent is, and has been, contributory infringed by Defendant and that Defendant is liable as a
7 contributory infringer;
8

9 (e) For an accounting for, and an assignment of, an award of profits derived by Defendant
10 and damages suffered by Plaintiff in consequence of the patent infringement, the active
11 inducement of patent infringement, and the contributory infringement, of the Patent;
12

13 (f) For a decree and judgment against Defendant trebling the profits derived by Defendant
14 and damages suffered by Plaintiff pursuant to statute (e.g., 35 U.S.C. § 284);
15

16 (g) For an injunction permanently enjoining Defendant, its officers, agents, servants,
17 employees, attorneys and all those in active concert, participation or privity with Defendant from
18 further infringement, and/or active inducement and/or contributory infringement, in any form
19 what ever, of the Patent;
20

21 (h) For the costs of this suit, reasonable attorney's fees as provided by statute (e.g., 35
22 U.S.C. § 285), and an assessment of interest and cost against the Defendant;
23

24 (i) For prejudgment interest at the maximum rate allowed by law;

25 (j) For post judgment interest at the maximum rate allowed by law, from the date of the
26 judgment until paid; and
27

28 (k) For such other and further relief which should appear just and equitable to this Court.

Complaint for Patent Infringement

Case No.: _____

Technology Licensing Co v. jWIN Electronics Corp.

DEMAND FOR JURY TRIAL

In accordance with Civil Local Rule No. 3-6, Plaintiff requests for a trial by jury.

Respectfully submitted,


John W. Carpenter, Esq. (Bar No. 221708)

Technology Licensing Company Inc.

33 ½ Los Pinos

Nicasio, CA 94946

Telephone: (415) 577-0698

Facsimile: (866) 410-6248

Email: john@jwcarpenterlaw.com

Attorney for Plaintiff

Technology Licensing Company Inc.

Complaint for Patent Infringement

Case No.: _____

Technology Licensing Co v. jWIN Electronics Corp.

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

I.(a) PLAINTIFFS

Technology Licensing Company, Inc.

DEFENDANTS

jWIN Electronics Corp.

RS E-filing**ADR**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Marin County

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Nassau County, New York

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

John Carpenter, 33 1/2 Los Pinos, Nicasio, CA, 94946, 415-374-7157

ATTORNEYS (IF KNOWN)

E-filing**II. BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)☐ 1 U.S. Government Plaintiff☒ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State

PTF DEF
☐ 1 ☐ 1Incorporated or Principal Place
of Business In This StatePTF DEF
☐ 4 ☐ 4

Citizen of Another State

☐ 2 ☐ 2Incorporated and Principal Place
of Business In Another State☐ 5 ☐ 5Citizen or Subject of a
Foreign Country☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

☒ Original Proceeding☐ Removed from State Court☐ Remanded from Appellate Court☐ Reinstated or Reopened☐ Transferred from Another district (specify)☐ Multidistrict Litigation☐ Appeal to District Judge from Magistrate Judgment**V. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 161 Medicare Act <input type="checkbox"/> 162 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 163 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 460 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Amer w/ disab - Empl <input type="checkbox"/> 446 Amer w/ disab - Other <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV	PRISONER PETITIONS <input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl.Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

35 U.S.C. Section 271 et seq, Complaint for Patent Infringement

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in complaint:
 UNDER F.R.C.P. 23 JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE"

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)

(PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND☐ SAN JOSE

DATE

8/8/08

SIGNATURE OF ATTORNEY OF RECORD

John W. Carpenter